

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

)
)
) MDL NO. 1456
) CIVIL ACTION NO. 01-12257-PBS
)

THIS DOCUMENT RELATES TO
ALL ACTIONS

) Hon. Patti B. Saris
)
)
)

MOTION FOR LEAVE TO FILE UNDER SEAL

AstraZeneca Pharmaceuticals LP (“AstraZeneca”), by its attorneys, hereby moves this Court for leave to file under seal AstraZeneca Pharmaceuticals LP’s Supplemental Memorandum of Law in Opposition to Class Plaintiffs’ Motion for Partial Summary Judgment on Defendants’ Affirmative Defenses, and the Declaration of Lucy Fowler in Support of AstraZeneca Pharmaceuticals LP’s Supplemental Memorandum of Law in Opposition to Class Plaintiffs’ Motion For Partial Summary Judgment on Defendants’ Affirmative Defenses, and attached exhibit.

Pursuant to the Protective Order entered by this Court on December 13, 2002 (the “MDL Protective Order”), the parties in the above captioned cases have designated documents and other information produced in these cases as either “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” AstraZeneca’s Supplemental Memorandum of Law in Opposition to Class Plaintiffs’ Motion for Partial Summary Judgment on Defendants’ Affirmative Defenses, and the Declaration of Lucy Fowler in Support of AstraZeneca Pharmaceuticals LP’s Supplemental Memorandum of Law in Opposition to Class Plaintiffs’ Motion for Partial Summary Judgment on Defendants’ Affirmative Defenses, and the exhibit attached thereto, incorporate deposition testimony and other documents

produced by Class 1 representatives Leroy Townsend, Robert A. Howe and his wife Marjorie Joyce Howe. Plaintiffs have designated this information “HIGHLY CONFIDENTIAL.” Pursuant to paragraph 15 of the MDL Protective Order, any document or pleading containing quotes from or otherwise referencing such information shall be filed under seal.

WHEREFORE, AstraZeneca Pharmaceuticals LP respectfully requests that this Court grant it leave to file AstraZeneca Pharmaceuticals LP’s Supplemental Memorandum of Law in Opposition to Class Plaintiffs’ Motion for Partial Summary Judgment on Defendants’ Affirmative Defenses, and the Declaration of Lucy Fowler in Support of AstraZeneca Pharmaceuticals LP’s Supplemental Memorandum of Law in Opposition to Class Plaintiffs’ Motion For Partial Summary Judgment on Defendants’ Affirmative Defenses, and the attached exhibit under seal.

Boston, Massachusetts
Dated
:
April 7, 2006

Respectfully Submitted,

By: /s/ Lucy Fowler
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendants conferred with counsel for plaintiff on this motion, and that counsel for plaintiff does not assent to the motion.

/s/ Lucy Fowler
Lucy Fowler

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on April 7, 2006, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Lucy Fowler
Lucy Fowler